

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CARL R. BROWN,

Petitioner,

v.

**CIVIL ACTION NO.: 3:17-CV-100
(GROH)**

JENNIFER SAAD, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. ECF No. 19. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R on April 9, 2018. In the R&R, he recommends that the Petitioner’s § 2241 petition [ECF No. 1] be denied and dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

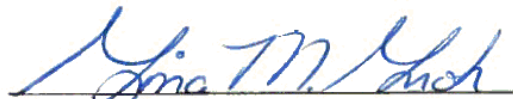
94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Petitioner by certified mail on April 9, 2018. The Petitioner accepted service on April 16, 2018. To date, no objections have been filed. Thus, this Court will review the R&R for clear error.

Upon careful review and finding no clear error, the Court **ORDERS** that Magistrate Judge Trumble's Report and Recommendation [ECF No. 19] is hereby **ADOPTED** for the reasons more fully stated therein. Accordingly, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. The Court further **ORDERS** that the Respondent's Motion to Dismiss, or, in the alternative, for Summary Judgment [ECF No. 14] is **GRANTED**.

The Clerk is **DIRECTED** to strike this matter from the Court's active docket and to transmit copies of this Order to all counsel of record herein and to the *pro se* Petitioner.

DATED: May 9, 2018


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE